IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

Review Petition (L) No.103 of 2006
In
Writ Petition No.2315 of 2005

Municipal Corporation of Greater Mumbai & ors. .. ... Petitioners (Orig.Respondents)

v/s.

The Indian Industrial Company ... Respondent (Orig. Petitioner)

Mrs.P.A. Purandare i/by M/s.S.H.Ujjainwala & ors. for petitioners.

Mr.G.V.Murti i/by M/s.Murti & Associates for respondent.

CORAM : H.L. GOKHALE &
ABHAY S. OKA, JJ.

DATED : 7th December 2006

P.C. :

1. Heard the learned Counsel for the parties.

2. This Petition seeks review of our order dated 3rd March 2006. Under this order certain benefits have been granted to the respondent on the footing that it is a reconstructed building. On the respondent making payment of the then outstanding amount, the Municipal Corporation was to give it the Occupation Certificate. That has not been given so far. A submission is made on behalf of the Municipal Corporation that the

further payments could be denied on the basis of this order. We do not find that the order says anything of the kind. The Municipal Corporation has to decide the representation of the respondent and while deciding the same, if further amounts are found to be due or whichever amounts become due and payable subsequently, the respondent will have to pay the same. There is no escape from that liability. Mr.Murti appearing for the respondent does not dispute it. The Municipal Corporation cannot delay the issuance of the Occupation Certificate on that ground. The Occupation Certificate be issued within two weeks.

3. Review Petition stands disposed of with the above order.

(H.L. GOKHALE, J.)

(ABHAY S. OKA, J.)